

**CITY OF MORGAN HILL  
JOINT SPECIAL AND REGULAR CITY COUNCIL AND  
SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES - AUGUST 1, 2001**

**CALL TO ORDER**

Mayor/Chairman Kennedy called the special meeting to order at 5:02 p.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Chang, Sellers, Tate and Mayor/Chairman Kennedy

**DECLARATION OF POSTING OF AGENDA**

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

***City Council and Redevelopment Agency Action***

**CLOSED SESSIONS:**

City Attorney/Agency Counsel Leichter announced the below listed closed session items. She indicated that one case is based on a letter dated July 11, 2001 from Attorney Dahlin.

**1.**

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority:	Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel
Case Name:	San Jose Christian College v. City of Morgan Hill
Case Number:	Santa Clara County Superior, No. CV 799179
Closed Session Topic:	Potential Existing Litigation/Real Estate Negotiations

**2.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Litigation	
Authority:	Government Code Section 54956.9(b)
One (1) Case	

**3.**

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority:	Government Code 54956.8
Real Property Involved:	17.58 acre parcels located on the east side of Condit Road, bound by Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APN 817-13-017)
Negotiating Parties:	
For City/Agency:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
For Property Owners:	Virginia Lomanto Trustee

Closed Session Topic:

Acquisition of Real Property

4.

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code Section 54956.9(c) - One (1) potential case

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the closed session items to public comment. No comments were offered.

**ADJOURN TO CLOSED SESSION**

Mayor/Chairman Kennedy adjourned the meeting to Closed Session at 5:03 p.m.

**RECONVENE**

Mayor/Chairman Kennedy reconvened the meeting at 7:00 p.m.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

At the invitation of Mayor/Chairman Kennedy, former Mayor/Council Member John Varela led the Pledge of Allegiance.

**CITY COUNCIL REPORT**

Council Member Carr reported that one of the activities of the South County Regional Wastewater Authority is energy. He indicated that Calpine is interested in expanding peaker plants adjacent to the joint sewer/water facility owned by the Cities of Gilroy and Morgan Hill in order to provide more electricity into the power grid. He stated that the Santa Clara County Board of Supervisors will be conducting a hearing on Tuesday, August 7 at 2:00 p.m. to select a courthouse site in Morgan Hill. He read the agreement entered into with the County. The process included the submittal of a list of several sites (13 sites) that the Council could look at. The County will select a site to build a courthouse. This decision will be made on August 7. Generally, this would have been an administrative decision. However, due to the efforts of the City Council, the Board of Supervisors will hold a public hearing so that residents of Morgan Hill can address the pros and cons of the site to be selected.

**CITY ATTORNEY'S REPORT**

City Attorney/Agency Counsel Leichter reported that the City Council convened on all four closed session items, noting that the City Council will continue its discussions on closed session number 2 at the conclusion of the meeting. With regards to closed session item 4, the City Council authorized initiation litigation against the San Jose Christian College. Regarding Closed Session Item 1, the City Council, on a 4-1 vote, authorized commencement of the environmental review for the purposes of acquisition of the Saint

Louise Hospital site and the update of the appraisals on the St. Louise Hospital site, and to continue negotiations with the City's financiers on the project.

### **CITY MANAGER'S REPORT**

City Manager Tewes reported that the City is now out to bid on the community center project. Based on preliminary inquiries from contractors, staff is pleased that there is good interest by potential contractors in the project. Therefore, it is anticipated that there will be good bids. The City Council will be seeing a series of Visioning actions be implemented over the next few months.

### **PUBLIC COMMENT**

Council Member Chang noted that the City Council received an e-mail on the garbage diversion rate, noting that it is indicated that it is at 53%. She thanked Assistant to the City Manager Eulo, Director of Community Development and City Manager Tewes for achieving the City's goal of 50%.

Mayor Kennedy concurred with Council Member Chang's comments and indicated that he sent a note to the City Manager suggesting that a celebration be held to recognize this significant achievement/major accomplishment.

No further comments were offered.

## ***City Council and/or Redevelopment Agency Action***

### **CONSENT CALENDAR**

#### ***City Council Action***

Mayor Kennedy requested that Item 1 and Council Member Tate requested that Items 4 and 5 be removed from the Consent Calendar.

**Action:**        *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council unanimously (5-0) **Approved** Consent Calendar Items 2 and 3 as follows:*

2)    **AWARD OF PURCHASE ORDER FOR RELOCATION OF TEMPLE EMMANUEL CHURCH**

**Actions:** 1) *In Accordance with Section 3.04.150A of City Code, **Determined** That The Competitive Bid Process for Relocating the Temple Emmanuel Church Would Not Likely Result in a Lower Price to the City From a Responsible Bidder and/or Would Cause Unnecessary Expense or Delay of the Project; and 2) **Approved** Purchase Order in the Amount of \$61,392 with Trost Construction for Relocating the Temple Emmanuel Church as a Part of the Community Playhouse Project and Authorize 10% Contingency as Identified.*

3)    **AWARD OF BID FOR COMMUNITY PLAYHOUSE GRADING & WALL**

### **INSTALLATION**

**Actions:** **Awarded** Bid for Community Playhouse Grading and Wall Installation to Bellicitti & Pelliciotti Construction Company, Inc. in the Amount of \$68,820 with 10% Contingency as Identified.

### ***City Council and Redevelopment Agency Action***

**Action:** On a motion by Mayor Pro Tempore/Agency Member Sellers and seconded by Council/Vice-chairman Carr, the City Council/Agency Commission, on a 4-0-1 vote with Council Member Tate abstaining, **Approved** Consent Calendar Items 4 and 5 as follows:

4) **JOINT SPECIAL REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL JUNE 27, 2001 MEETING MINUTES**

**Action:** **Approved** the minutes as written.

5) **JOINT REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL JUNE 27, 2001 MEETING MINUTES**

**Action:** **Approved** the minutes as written.

1) **CITY BEAUTIFICATION DAY**

Mayor Kennedy stated that the City Beautification Day has been a goal that he has wanted to see for some time. It would be a day where everyone would get together and focus on doing everything it can to clean up the city, involving everyone, including businesses, non profits, and government.

Assistant to the City Manager Eulo stated that the City will be sponsoring its beautification efforts on Saturday, October 6 from 8:00 a.m. to be followed by a lunch. Community groups, church groups, non profits and individuals are encouraged to participate in cleaning up litter along roadways as well as some painting and planting projects. He indicated that individuals from different groups and representatives from homeowners association will attend a second planning meeting to learn about the projects that are available and adopt a project for the day. The meeting is scheduled to take place on August 29, 2001 at 6:00 p.m. in the Council Chambers.

**Action:** By consensus, the City Council **Accepted and Filed** the Report.

### ***City Council Action***

### **OTHER BUSINESS**

7) **BMX INTERIM SITE PROPOSED AT VACANT VALLEY TRANSPORTATION AGENCY (VTA) LAND BEHIND INTERIM SKATE PARK** *Continued from July 25, 2001*

Recreation Manager Spier presented the staff report and indicated that at the July 25, 2001 meeting, the City Council directed staff to send a letter to the VTA Board requesting that the appeal of their denial of the BMX park be placed on their August 2 agenda. She informed the City Council that staff was not able to

get on the agenda as it had already been posted. Staff received a letter from Mr. Pearson who informs staff that the request will be placed on the Transit, Operation and Management Committee meeting to be held on August 16. The Committee can, at that time, forward the request to the September 6 VTA Board meeting, if they so desire. She indicated that staff is prepared to move forward. She stated that the Parks and Recreation Commission has asked that a subcommittee be established to review alternate sites (e.g., Santa Clara Valley Water District easements, Gunderson site). She indicated that the committee will be looking at an interim and permanent site for the BMX park site.

Council Member Carr stated that at last week's meeting, a preferred location was not identified and that the site next to the VTA was a location that the local BMX group had proposed. He did not believe that the City and the Parks and Recreation Commission have had the opportunity to look at sites or conduct work to decide what would be an appropriate interim site.

Ms. Spier stated that the Parks and Recreation Commission and the BMX club have indicated that the VTA site is their preferred site. She confirmed that staff has not conducted an intensive review of other possible interim sites.

Council Member Carr thanked staff for the work being conducted as quickly as it has. He indicated that he voted against moving forward with the VTA site last week as alternate sites had not been discussed, it is not known if this is the preferred site, nor have neighborhood meetings been held. He noted that the County will be deciding whether a courthouse will be located next to the VTA site on August 7. Also, it is not known as to the cumulative impacts the neighborhood will face.

Council Member Tate felt that there was a strong feeling that this would be an interim site with staff studying the location for a permanent site. He noted that the City has reviewed the timeline for the courthouse that would suggest that the interim site would be concluded long before the courthouse ever materializes.

Council Member Carr stated that there are impacts imposed on the neighborhood already. These impacts would be raised by placing a temporary BMX site in this area. He agreed that the interim use would go away before a courthouse would be built but that the City would be raising the level of impact.

Mayor Kennedy stated that he chairs the Transit Planning and Operations (TPO) Committee. The request for the use of the VTA site for an interim BMX park would come to this Committee first. The Committee would recommend either approval or denial of the request to go to the full VTA Board. If recommended for approval, it would be placed on the Consent Calendar for the full Board's consideration on September 6, 2001. He noted that the City Council would be meeting prior to the TPO Committee meeting. He recommended that the BMX committee report back at the next City Council meeting its findings so that he would have this information going into the TPO Committee meeting. He felt that the City needs to prepare a presentation at the TPO meeting. He further recommended that City staff provide information to VTA staff to address the concerns they have raised, getting them to buy into the proposal.

Council Member Carr stated that it was his belief that VTA staff would like the City to put its efforts and money toward a permanent site and not an interim site.

Mayor Pro Tempore Sellers felt that a different outcome would require that additional information be

provided. He noted that the City is moving aggressively to identify a permanent site with the formation of a committee and meeting(s) held. In addition, the issue is going through the TPO Committee and then to the VTA Board. Therefore, it made sense to proceed.

Mayor Kennedy recommended that staff, prior to the TPO Committee meeting, meet or speak with VTA staff regarding what staff has done to address their concerns.

Mayor Kennedy opened the floor to public comments.

Linda Beltran informed the City Council that she is one of the parents involved with the BMX project and stated the appreciation of parents and the youth for what the City Council is doing to move this forward. She stated that the BMX club is open to any interim or permanent site recommended by the City and that they would support whatever it takes to make it happen as quickly as possible. She felt that the VTA site is the best site as it already has an interim skate park and that it is accessible to youth. She did not believe that the BMX park would have the noise level that the skate park has as it would be a dirt park. She said that it is understood that the park would be fenced and locked at sunset. The parents will volunteer to assist with locking, including monitoring of the park, if necessary. The parents will do whatever it takes to make park work in terms of involvement. VTA staff stated that it was important to realize that this would be an interim park and that they did not want to experience a problem when it was time to move off the site in order to move forward with projects. She stated that the parents would be willing to attend the TPO Committee meeting and agree to a time limit.

Mr. Honesto stated that he has been speaking with Steve Pearson with VTA who confirmed Mayor Kennedy's comments on meetings and procedures. He asked if it would be of value to address the TPO Committee as a public speaker to get the thought process underway?

Mayor Kennedy indicated that other members of the TPO Committee consist of San Jose Mayor Gonzalez, Manny Balerio, San Jose Council Member Dave Cortese, and another alternate San Jose Council Member. These are the individuals that would need to be convinced that this is a good use. He did not believe that it would hurt to address the Committee, emphasizing that this would be a temporary use and that the parents would be managing the security issues, working with the City.

Calvin Ressler stated that the BMX club participated in the Fourth of July activities by conducting a BMX demo and having riders in the Parade. Interest in the BMX club was expressed by riders between the ages of 4 and 64 at the Fourth of July events. BMX club members helped clean up Community Park where the fire works were held. He indicated that there were approximately 15-20 members in the club, noting that the club has been in place for approximately one month.

Nonie Ressler indicated that she has been in contact with VTA and that she was advised that this matter could be handled without having to go to the Board. VTA staff expressed concern that this is an interim use and reiterated that the City should be looking for a permanent site. VTA staff expressed concern that the BMX club would not vacate the site when they were ready to use the site. She stated that the BMX club would like an interim site until a permanent park is built. The BMX club would agree to vacate the site at the same time that the skate park moves out.

Bruce Tichinin spoke in support of the BMX group as they did a great job cleaning up after the Fourth of

July activities. He recommended that the City request that VTA return the favor that the City granted in the installation of a permanent antenna on El Toro even though there was some amount of local opposition.

No further comments were offered.

Mayor Kennedy indicated that he would be advocating for the BMX club as chair of the TPO Committee.

**Action:** *By consensus the City Council **Received** the Update on the Interim BMX Site.*

### **PUBLIC HEARINGS:**

#### **6) CONFIRMING THE SANTA CLARA COUNTY FIRE MARSHAL'S REPORT RELATING TO WEED ABATEMENT - Resolution No. 5514**

Council Services and Records Manager Torrez presented the staff report. Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

**Action:** *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council unanimously (5-0) **Accepted** Report from the Santa Clara County Fire Marshal's Office on the 2001 Weed Abatement Program.*

**Action:** *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council unanimously (5-0) **Adopted** Resolution No. 5514 Confirming the Report from the Santa Clara County Fire Marshal's Office That Sets Forth the Description of Property and the Owners and Requiring the Abatement of Weeds.*

### **OTHER BUSINESS** (continued)

#### **8) CITY COUNCIL REPRESENTATION ON ARCHITECTURAL DESIGN SELECTION COMMITTEE FOR COMMUNITY INDOOR RECREATION CENTER - Continued from July 25, 2001**

Director of Public Works Ashcraft presented the staff report.

Mayor Kennedy indicated that he would appoint Council Member Chang and Mayor Pro Tempore Sellers to the Committee for Community Indoor Recreation Center, subject to Council ratification.

Mayor Pro Tempore Sellers said that he was pleased to hear that there would be community input and an accelerated timeline. He stated that he would be willing to make the commitment and wanted to make sure that both he and Council Member Chang can make the time schedule.

Council Member Chang recommended discussion of the interview dates as an alternate interview date may need to be considered.

Council Member Carr did not recommend that the schedule be postponed as the Council has requested an expedited timeline.

Mayor Kennedy recommended that Council Member Chang attend the August 9 meeting, this would give her the opportunity to review the firms selected for final interviews. This would allow the City to remain on schedule with Mayor Pro Tempore Sellers attending the August 16 meeting date.

Mayor Kennedy opened the floor to public comment. No comments were offered.

**Action:**        *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council unanimously (5-0) **confirmed** the Mayor's appointment of Council Member Chang and Mayor Pro Tempore Sellers to Serve on the Selection Committee for Architectural Design Services for the Community Indoor Recreation Center.*

**9)        APPOINTMENT TO THE HOUSING ELEMENT ADVISORY COMMITTEE Continued**  
*from July 25, 2001*

Director of Community Development Bischoff presented the staff report. He informed the City Council that the Planning Commission, at their last meeting, had difficulty deciding who to appoint to this committee. Therefore, the Planning Commission recommends that two Planning Commissioners serve on the Committee. He indicated that Planning Commissioner Weston expressed interest in participating. Although the Planning Commission was supportive of his appointment, they felt it was important to have a Planning Commissioner who was more seasoned/with more experienced on the Commission serving on the Committee. Therefore, the Planning Commission appointed Commissioners Weston and Mueller.

Mayor Pro Tempore Sellers recommended that Council Member Carr be allowed to serve on the Housing Element Advisory Committee based on his enthusiasm for the Housing Element.

Council Member Chang recommended the Legislative Committee discuss and support Redevelopment legislation that would allow the increase of the 20% set aside into a higher ratio.

Council Member Sellers said that there is also legislation pending that stipulates that cities that do not reach its housing goals would face severe penalties, noting that this is a highly controversial issue and strongly opposed by the League of California Cities and the City of Morgan Hill.

Mayor Kennedy felt that increasing the 20% set aside would take funds away from other Visioning projects. He recommended that whoever takes on this responsibility look carefully at new state laws under consideration relating to Redevelopment set asides as well as other legislation which mandates housing units.

Council Member Tate noted that the City has the latitude to spend more than the 20% set aside on housing. He likes the way the program is set up as it forces the City to use 20% with the latitude of using more if it elects to do so.

Council Member Chang felt that housing needs is an important issue and that it should be evidenced in the City's Redevelopment Agency allocating at least 20% in funding.

Council Member Carr stated that he is interested in serving on the committee and working on housing issues. If appointed, he would carry forward the Council's thoughts on this issue.



**Action:** *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Tate, the City Council unanimously (5-0) **Confirmed** Mayor Kennedy's Appointment of Council Member Carr to Serve on the Housing Element Update Advisory Committee.*

**10) FILING DEADLINE FOR THE FY 2001-02 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) COMPETITION**

Director of Community Development Bischoff presented the staff report.

Mayor Kennedy inquired as to the impacts to staff and applicants should the City Council agree to extend the Measure P filing deadline? Mr. Bischoff responded that it is the system rather than impacts to staff. He said that Measure P has become a year round process, including the revisions required by the Measure P initiative. Delaying the filing deadline would delay the completion of the competition. Therefore, review of the standards and criteria could not commence until completion of the competition. If the revisions to the standards and criteria are delayed, that would delay the time which staff can get the revisions to the City Council, delaying the time that an applicant has to prepare an application for the next competition.

Council Member Tate felt that the Department of Finance is the driving factor in the year's calendar. Based on this, the City is buying in on delaying application submittals as far as it can to November 1.

City Manager Tewes indicated that the City Council has heard from one specific individual, Mr. Garcia, whose interest is additional time so that he can go through the voluntary, preliminary process. Other developers have advised staff that they would like the additional time in order to submit an application. Otherwise, they would not be able to submit an application. He felt that extending the time period to file will result in more applications being filed.

Mayor Kennedy stated that he would support extending the time to file a Measure P application.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Mayor Pro Tempore Sellers stated that he would hate to think that better projects would not be part of this process because the City Council made the filing period a month shorter. He asked if the City Council wishes to institute the November 1 filing date, noting that this date is so indicated in Measure P. He expressed concern with an increased workload to staff but felt that if the city ends up with better projects, it would make sense to support the November 1 filing date.

In response to Mayor Kennedy's question, Mr. Bischoff stated that implementing the November 1 filing deadline as a policy would work for both staff and the Planning Commission. Should the City Council wish to change its Measure P filing policy, he recommended that staff return with the policy change.

Council Member Carr recommended that the Measure P subcommittee look at the filing date and return with the entire process rather than reviewing this issue outside the process.

**Action:** *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Tate, the City Council unanimously (5-0) **established** November 1 as the filing deadline for the Fiscal Year 2001-02 Residential Development Control System competition.*

## **11) CONSIDERATION OF AMENDING THE CITY COUNCIL'S ORDER OF BUSINESS**

Council Services and Records Manager Torrez presented the staff report.

Mayor Pro Tempore Sellers noted that the Council Member Tate raised the concern shared by other Council Members in dealing with important and sensitive closed session matters at extreme late hours. He felt that it was important to address this concern. He supported moving the Finance and Audit Committee meeting either at the beginning of the meeting or to schedule it on a non Council meeting day. He recommended that staff agendaize closed sessions prior to the regular meeting unless a workshop needs to be held.

Council Member Tate stated that he strongly advocated scheduling closed sessions prior to the regular portion of the meeting. His advocacy was related to the intense closed sessions alluded to by Mayor Pro Tempore Sellers. He recommended that the City Council avoid scheduling important or sensitive matters at the end of the agenda. He did not believe that it was necessary to modify the policy that states that the Council cannot have closed sessions at the end of the meeting. He recommended that the policy be modified so that it allows important and sensitive matters be scheduled before the regular meeting, as required, retaining flexibility of holding closed sessions prior to the regular meeting or at the conclusion of the meeting as part of the policy.

Mayor Kennedy recommended that workshops be held as part of a special Wednesday meeting or other times. He supported moving the closed sessions to the beginning of the meetings as a general order of business as it is difficult to address important issues late at night.

Council Member Chang recommended that the Finance & Audit continue to meet as scheduled as it only meets once a month.

Council Member Carr agreed to allow flexibility with the agenda. It was his belief that the City Council would like to conduct closed sessions prior to the regular meeting as well as at the conclusion of the meeting. Workshops to take precedent with closed sessions scheduled toward the end of the meeting. The Finance and Audit Committee meetings to fit into the schedule along with closed sessions. He felt that Mayor Kennedy and staff's judgement would be adequate in determining the meeting schedule.

Mayor Kennedy opened the floor to public comment. No comments were offered.

**Action:**        *By consensus, the City Council **directed** Staff to return with a policy incorporating flexibility relating to scheduling workshops and closed session items.*

## **12) DESIGNATING VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES' ANNUAL CONFERENCE**

Mayor Kennedy indicated that the League of California Cities would be forwarding resolutions

Mayor Kennedy opened the floor to public comment. No comments were offered.

**Actions:**        *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City*

*Council unanimously (5-0) **Approved** the Mayor's appointment of Council Member Chang as the Voting Delegate and Council Member Carr as the Alternate Voting Delegate to the League of California Cities' Annual Conference*

**Actions:** *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council unanimously (5-0) **Directed** the City Clerk to Complete the Voting Delegate Form and **Forward** Said Form to the League to California Cities.*

### **13) SISTER CITY RELATION WITH SAN CASCIANO, ITALY - Resolution No. 5513**

Director of Business Assistance and Housing Services Toy presented the staff report.

Mayor Kennedy stated that an informal Sister City Committee has met on several occasions. Most recently, a meeting was hosted by Gene Guglielmo and that approximately 10 community members were in attendance. A presentation was made by Dennis King, President of the San Jose Sister Cities Association. Mr. King provided the Committee with excellent ideas and direction for what the City should do. He said that initial meetings were held with the Mayor of San Casciano. He felt that San Casciano would be a good match for Morgan Hill due to the wine making near by, noting that San Casciano is a very old community. He felt that there should be a nexus between the two communities. He noted that Morgan Hill has a strong Italian-American heritage and that there are similarities between the two cities. He said that a goal is to have three or four sister cities as part of the Sister Cities program.

Mayor Pro Tempore Sellers stated that he is proud of the opportunity to exchange with San Casciano as both cities have a lot in common. He noted that there are other significant community members in the community such as the Japanese and the Mexican American communities who are equally rich in history. He felt that these two groups would be the next groups to seek sister cities with.

Mayor Kennedy stated that when there is a formal agreement, a delegation from Morgan Hill would visit San Casciano next year as a goal. He noted that the delegates would have to pay their own expenses as there is little public funding provided. He stated that it was important for the association be formed as a non profit organization so that they can raise funds.

Council Member Tate asked if the Sister Cities Committee needs to be formalized as a committee?

Mayor Pro Tempore stated that part of the action to be taken this evening would formalize this committee.

Mayor Kennedy indicated that the informal Sister Cities Committee consists of George Nale, Gene Guglielmo, Karen Park, Karen Anderson, a representative from the School District and others. He felt that this is the core group that should be formalized as the initial committee members.

Mayor Kennedy opened the floor to public comment. No comments were offered.

**Action:** *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council unanimously (5-0) **Adopted** Resolution No. 5513 to: (1) **Establish** a Formal Sister City Relationship with the City of San Casciano Val di Pesa, Italy upon Receipt of a Reciprocal Resolution; 2) **Authorize** Staff to Notify Sister Cities International of Intent to*

*Establish This Relationship; and 2) **Authorize** the City Manager to Establish a Non-profit Citizen Committee to Plan, Organize, Fund and Coordinate Sister City Activities between Morgan Hill and San Casciano.*

#### **14) MORGAN HILL COMMUNITY FOUNDATION**

Mayor Pro Tempore Sellers indicated that in 1997, there was considerable effort toward the establishment of a Morgan Hill Community Foundation. This effort was put aside as other projects took precedent. At the time he was appointed to act as Mayor Pro Tempore, Mayor Kennedy requested that he work toward reestablishing the Foundation. He indicated that he was able to enlist the support of several individuals which include former Mayor/Council Member John Varela and Bruce Tichinin who has agreed to provide pro bono legal services to get this effort underway. He said that the paperwork necessary to confirm the 501c3 status has been undertaken. He said that on August 16 at 6:00 p.m., the Foundation will have its soft opening and conduct its first public committee meeting asking members of the public to join the Foundation Board and its efforts. He stated that Gene Guglielmo and Roger Knopf, among others, were instrumental in the initial fundraising undertaking. He indicated that Mr. Guglielmo has agreed to allow his facility for the Foundation's use. Discussed with the City Manager was the potential availability of funding from the City and the amount of money that the Foundation might need. It was determined that \$10,000 would be the amount of funds needed to assist with the initial undertaking of the Foundation. It is proposed to make the Foundation as broad based as possible. He referred to the attachment in the staff report under Purposes which states: "The Corporation shall support efforts that enrich the lives of all of those who live in the greater Morgan Hill community through promoting funding, administering and supporting recreation and arts program." He said that this statement was meant to be inclusive and not necessarily exclusive. Through several community meetings, it was seen that particular emphasis should be on recreation and arts. These were to be identified with youth but it was recognized that many of the needs impact older community members. He noted that Council Member Tate expressed concern that the Foundation not be inclusive and that recreation and arts be a beginning point. However, there may be a need for a broadening of the definition. He recommended that the statement be expanded to state " . . . recreation and arts programs and other programs that benefit the City of Morgan Hill . . . " Should the Council support this amendment, this can be added to the mission statement.

Mayor Kennedy opened the floor to public comment.

John Varela thanked the City Council for its hard work and preserverance. He found it interesting that the same individuals keep volunteering for all the board and the various programs that take place in the community. He stated that this is an opportunity for new residents to the community to get involved with the formation of the Morgan Hill Community Foundation to bring families together and to fund programs. He stated that on August 12 an inauguration meeting will be held at Guglielmo Winery. On September 20, the Board and executive staff will be selected. He said that many individuals in the community have worked many hours and years toward what is being seen happening in the community with the positive acquisitions of properties and programs that are moving forward, making this a better community for everyone. He commended the City Council for making this happen.

Bruce Tichinin indicated that Articles of Incorporation have been sent to the Secretary State for filing and requested Council support.

No other comments were offered.

Council Member Tate stated that he represents the City Council on the Library Commission and library issues. He said that the library is looking at securing some extra decorations that may or may not be art related. He said that there may be requests for benches in the downtown or to install features in the historical park at the Morgan Hill House. These are things that are not directly related to recreation or the arts but can be made broad enough to be represented by the arts. He felt that the Mission statement should be broadened to allow for other types of projects as well. He appreciated Mayor Pro Tempore Sellers' suggestion for the expansion of the mission statement.

**Action:** *On a motion by Council Member Carr and seconded by Council Member Tate, the City Council unanimously (5-0) 1) **Appropriated** \$10,000 from the Fiscal Year 2001-02 Contingency Reserve to the Morgan Hill Community Foundation and 2) **Requested** that the Morgan Hill Community Foundation include the additional purpose to their Mission Statement and embodied in their bylaws and workplans to be developed (Amend "Purposes," end of the second sentence the following: "The Corporation shall support efforts that enrich the lives of all those who live in the greater Morgan Hill community through promoting, funding, administering and supporting recreation and arts programs, **and other programs** that benefit the City of Morgan Hill.")*

## **SECOND READING OF ORDINANCE**

**Action:** *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council unanimously (5-0) **Adopted** the following Ordinances:*

### **15) ADOPT ORDINANCE NO. 1516, NEW SERIES**

*An Ordinance of The City Council of The City of Morgan Hill Approving an Amendment to Ordinance No. 1493, New Series, to Amend the Development Agreement for Application MP-00-01: Berkshire - Singh to Allow for a One-year Extension of Time (APN 764-23-054) by the following: AYES: Carr, Chang, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

### **16) ADOPT ORDINANCE NO. 1517, NEW SERIES**

*An Ordinance of the City Council of the City of Morgan Hill Amending the Standards and Criteria and Procedures of the Residential Development Control System as Set Forth in Chapter 18.78 of the Morgan Hill Municipal Code by the following: AYES: Carr, Chang, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

### **17) ADOPT ORDINANCE NO. 1518, NEW SERIES**

*An Ordinance of The City Council of The City of Morgan Hill Adding Section 6.04.010(Q) (Definitions) of Chapter 6.04 (General Provisions), Section 6.32.100 (Mandatory Sterilization for Multiple Impounds) and Section 6.32.110 (Hearing for Mandatory Sterilization for Multiple Impounds), and Amending Section 6.08.030 (Violation - Penalty) of Chapter 6.08 (Administration and Enforcement) of Title 6 (Animals) of the Municipal Code of the City of Morgan Hill Regarding Violations and Penalties for Unsterilized Animals Running At-large by the following: AYES: Carr, Chang, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

**18) ADOPT ORDINANCE NO. 1520, NEW SERIES**

*An Ordinance of the City Council of the City of Morgan Hill Approving Zoning Amendment, ZA 99-14: City of Morgan Hill (APN 726-13-002 & 003) by the following: AYES: Carr, Chang, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

## ***Redevelopment Agency Action***

### **OTHER BUSINESS:**

**19) ASSISTANCE TO THE MORGAN HILL CHARTER SCHOOL**

Executive Director Tewes informed the Agency that the applicant requested that this item be postponed.

**Action:** *On a motion by Agency Member Chang and seconded by Agency Member Sellers, the Agency Commission unanimously (5-0) **Continued** this item at the request of the Morgan Hill Charter School.*

### **RECONVENE TO CLOSED SESSION**

Mayor/Chairman Kennedy reconvened the meeting to closed session, noting that there was one remaining closed session to discuss.

### **ADJOURN TO CLOSED SESSION**

Mayor/Chairman Kennedy adjourned the meeting to closed session at 8:41 p.m.

### **RECONVENE**

Mayor/Chairman Kennedy reconvened the meeting at 9:02 p.m.

### **CLOSED SESSION ANNOUNCEMENT**

City Attorney/Agency Counsel Leichter announced that no reportable action was taken on the closed session item.

### **ADJOURNMENT**

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 9:03 p.m.

### **MINUTES RECORDED AND PREPARED BY:**

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Irma Torrez, CMC  
City Clerk